

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HEATHER L. NEWTON,

No. C-11-3228 EMC

Plaintiff,

v.

ORDER APPROVING CLASS NOTICE

AMERICAN DEBT SERVICES, INC., *et al.*,

(Docket No. 314)

Defendants.

On June 9, 2015, this Court certified a Rule 23 class in this litigation. Docket No. 313; *see Newton v. Am. Debt Servs., Inc.*, 2015 WL 3614197 (N.D. Cal. 2015). In its Class Certification Order, the Court ordered the parties to meet and confer “regarding the form and logistics of distributing class notice,” and submit a proposal to the Court by June 30. *Id.* at *11.

The parties filed proposed class notices on June 30, 2015, but did not include sufficient details regarding the logistics of the proposed class notice program. Docket No. 314. The Court ordered the parties to file a supplemental declaration containing this information, Docket No. 315, and the parties complied on July 7, 2015. Docket No. 317. According to the parties, notice will be sent to all class members by U.S. Mail, and email where possible (*i.e.*, where the Defendants’ business records contain a class member’s email address). *Id.* Notice via U.S. Mail will be sent to class members’ last known address using Defendants’ business records. *Id.* The Class Administrator will further update the last known postal address of class members using the National Change of Address Database. *Id.* If a class notice is returned as undeliverable, the Administrator will attempt to locate the class member’s latest address by performing a “skip trace.” *Id.*


1 In light of the easily identifiable and relatively small number of class members at issue here
2 (estimated by the Defendants to be roughly 385 known individuals),¹ the Court is satisfied that the
3 proposed notice procedures are sufficient and satisfy due process requirements. *See In re*
4 *Transpacific Passenger Air Transp. Antitrust Litig.*, No. C07-5634 CRB, 2015 WL 3396829, at *4
5 (N.D. Cal. May 26, 2015) (explaining that due process requires “the best notice that is practicable
6 under the circumstances”); *see also Silber v. Mabon*, 18 F.3d 1449, 1453-54 (9th Cir. 1994).

7 The Court is also satisfied with the form of the class notice that will be sent to class members
8 by either U.S. Mail, email, or both. After receiving the parties’ proposed class notice, the Court
9 edited the notice for clarity and content. *See* Docket No. 316 (Order); Docket No. 316-1 (Court’s
10 Proposed Notice). The Court instructed the parties to file any objections or comments to its
11 proposed class notice by July 7. Docket No. 316. The parties did not file any objections or
12 comments. Accordingly, the parties are **ORDERED** to disseminate class notice in the form
13 proposed by the Court. Class notice shall be disseminated no later than sixty (60) days from the date
14 of this Order. Notice provided by U.S. Mail shall be sent in envelopes consistent with the parties’
15 proposed envelope design, Docket No. 317-1 and 317-2, which design this Court approves.

16 This Order disposes of Docket No. 314.

17 IT IS SO ORDERED.

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19 Dated: July 9, 2015

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22 EDWARD M. CHEN
23 United States District Judge
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1 See *Newton*, 2015 WL 3614197, at *6.